

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARC ANDERSON, et al.,

Plaintiffs,

v.

SEAWORLD PARKS AND
ENTERTAINMENT, INC.,

Defendant.

Case No. [15-cv-02172-JSW](#)

**ORDER DENYING MOTION TO
ADJUST CASE SCHEDULE**

Re: Dkt. No. 238

Now before the Court for consideration is Plaintiffs' motion to adjust the scheduling order issued in this case. Defendant opposes Plaintiffs' motion. Under Federal Rule of Civil Procedure 16, "[a] schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). This Court's scheduling order requires a showing of "very good cause." (Dkt. No. 216.) The primary inquiry is Plaintiffs' diligence, although the Court also may consider whether Defendant would be prejudiced by an adjustment to the schedule. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). If, however, the Court concludes a party has not been diligent, the inquiry should end. *Id.*

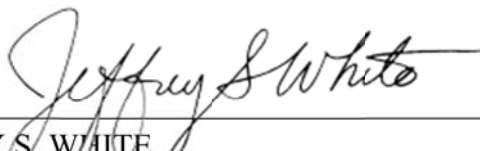
The Court recognizes that SeaWorld produced a large number of documents in July and August of this year and that Plaintiffs were required to seek relief from Chief Magistrate Judge Spero, who is supervising discovery, before the bulk of SeaWorld's document production was complete. Plaintiffs also agreed to this schedule when SeaWorld requested additional time to produce the documents, and they may not have been aware of the exact content of the documents they were requesting. However, the Court does not find persuasive Plaintiffs' argument that they did not have an understanding of the nature of the documents at issue. In addition, Plaintiffs have been aware of the volume of documents at issue based on the meet and confer efforts with

1 Defendant. The Court concludes that Plaintiffs have not met their burden to show that good cause
2 exists to extend the deadlines the Court has set with respect to fact and expert discovery.

3 Accordingly, the Court DENIES the motion.

4 **IT IS SO ORDERED.**

5 Dated: September 27, 2018

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8 JEFFREY S. WHITE
9 United States District Judge
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